

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 CPR-01 ST-01 L-03 CIAE-00 INR-07

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R 191218Z JUL 76

FM AMEMBASSY SANA

TO SECSTATE WASHDC 8578

UNCLAS SANA 2492

E.O. 11652: N/A

TAGS: AFSP, YE

SUBJECT: EXAMINATION OF HHE

REF: ARTICLE 36 VIENNA CONVENTION

SUMMARY. REQUEST ADVICE RE INSPECTION OF PERSONAL GOODS
OF DEPARTING DIPLOMATS.

1. FOR SOME TIME YARG HAS INSISTED THAT ALL OUT-GOING
SHIPMENTS OF HOUSEHOLD EFFECTS MUST BE INSPECTED BY THE
LOCAL CUSTOMS AUTHORITIES. FOREIGN MISSIONS IN SANA HAVE
ACQUIESCED BECAUSE, UNTIL RECENTLY, THIS WAS ONLY A NUISANCE.
HOWEVER, WHEN YARG STARTED TO INSIST THAT THEIR NATIONAL
SECURITY PERSONNEL SHOULD ALSO BE PRESENT AT THE TIME THE
HOUSEHOLD GOODS ARE PLACED IN THE LIFTVAN, U.S. EMBASSY
OBJECTED IN WRITING TO ALL SUCH INSPECTION POINTING TO
ARTICLE 36 IN VIENNA CONVENTION. WE OFFERED TO PERMIT
INSPECTION WHENEVER THERE WERE SERIOUS GROUND FOR PRESUMING
THAT THE SHIPMENT CONTAINED CONTRABAND.

2. THE YEMEN GOVERNMENT RESPONDED INFORMALLY WITH VIEW
THAT DEFINITION OF "PERSONAL BAGGAGE" IN ARTICLE 36 IS
LIMITED TO THOSE ITEMS THAT ACCOMPANY THE PERSON UPON
HIS ARRIVAL OR DEPARTURE, THAT IS, HAND BAGGAGE. FOR
DEPARTURE IT IS THEIR CONTENTION THAT THE HOUSEHOLD
EFFECTS SHIPMENTS NOT ACTUALLY ACCOMPANYING THE TRAVELER DO
NOT FALL UNDER THE DEFINITION OF PERSONAL BAGGAGE FOUND
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IN ARTICLE 36 OF THE VIENNA CONVENTION.

3. IS PERSONAL OR HOUSEHOLD BAGGAGE OF A FOREIGN DIPLOMAT ROUTINELY INSPECTED WHEN HE OR MEMBERS OF HIS FAMILY ENTER OR LEAVE THE U.S.A.? IS SUCH INSPECTION REQUIRED OR COMMONPLACE IN OTHER COUNTRIES? OUR IMPRESSION IS THAT THE ANSWER IN BOTH CASES IS NEGATIVE, BUT AT THE REQUEST OF THE YARG FOREIGN MINISTRY WE HAVE AGREED TO INQUIRE.

4. THE EMBASSY REALIZES THAT IT WILLBE DIFFICULT TO STOP SUCH INSPECTION SINCE THE PRECEDENT HAS ALREADY BEEN ESTABLISHED IN YEMEN. HOWEVER, WE FEEL THAT EVERY EFFORT SHOULD BE MADE TO STOP THIS HARRASMENT IF POSSIBLE. RANSOM

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